

CITY OF PLATTSBURGH, NEW YORK
ZONING BOARD OF APPEALS
OCTOBER 21, 2013 MEETING MINUTES

ZONING MEMBERS PRESENT: Chairperson Ronald Nolland,
 Maurica Gilbert, Michelle LaBounty,
 Scott DeMane, Kathy Latinville

ZONING MEMBERS ABSENT: Connie Fisher, Karl Weiss

ADMINISTRATIVE STAFF PRESENT: Joseph McMahon

ALSO PRESENT: David Brennan (Appeal 1956 & 1957)
 Douglas Brockway (Appeal 1984)

The Following Agenda Was Heard:

<u>APPEAL</u>	<u>APPLICANT</u>	<u>REQUEST</u>
1956	NEW YORK RSA 2 CELLULAR PARTNERSHIP DBA VERIZON WIRELESS 316 CORNELIA STREET	CLASS B VARIANCE TO EXTEND PREVIOUSLY GRANTED VARIANCE AND SPECIAL USE PERMIT
1957	NEW YORK RSA 2 CELLULAR PARTNERSHIP DBA VERIZON WIRELESS 316 CORNELIA STREET	SPECIAL USE PERMIT TO EXTEND PREVIOUSLY GRANTED VARIANCE AND SPECIAL USE PERMIT
1984	DOUGLAS BROCKWAY 15 CLUB ROAD	CLASS B VARIANCE INCREASE PAVED PARKING AREA WHICH REDUCES OPEN SPACE AND DOES NOT PROVIDE REQUIRED MANEUVERING AREA

The City of Plattsburgh Zoning Board Meeting was called to order by Mr. Nolland at 7:03 p.m.

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APPEALS 1956 & 1957

APPEALS 1956 & 1957, 1957, NEW YORK RSA 2 CELLULAR PARTNERSHIP DBA VERIZON WIRELESS, 316 CORNELIA STREET, CLASS B VARIANCE AND SPECIAL USE PERMIT, TO EXTEND PREVIOUSLY GRANTED VARIANCE AND SPECIAL USE PERMIT

Recording time: 00:01:39

Mr. Dave Brennan of Young/Summer Law Firm, Albany, New York, was present for this application.

A Class B Variance and Special Use Permit were granted in April, 2013 and approval subsequently from the Planning Board. Mr. Brennan noted that the Zoning approval stated that work must begin within six months of receiving the approvals. Mr. Brennan explained the federal and state permitting process which includes Indian Tribes to see if they have any interest in the property, duplicative of what is done at the state level. The Eastern Shawnee Tribe of Oklahoma, has expressed interest with upstate New York. Test holes were dug to provide this tribe that there was nothing of interest there for them. An archaeological investigation has been performed for this tribe's request. Verizon could not put a shovel in the ground until they had all of these approvals. Verizon was concerned about the six month period after the Planning Board approval (May 29, 2013). A six month extension would be until May, 2014. Mr. Nolland discussed building cycles and upcoming winter months with an extension to August, 2014 to allow for winter weather.

The meeting was opened up to the public.

Mr. and Mrs. Salvatore Guitterez, 127 Prospect Avenue, were present, were not aware of the original variance. Mr. Salvatore did not remember receiving a notice for the variance announcement by mail in April. Mr. Guitterez's name was on the mailing list for April. Both the Chairperson, Mr. Nolland and the Attorney for Verizon Wireless, Mr. Brennan explained the project to them that this was for an extension of time because they were not able to begin construction. Mrs. LaBounty reminded Mr. Salvatore that the minutes are online from the meeting; Mr. McMahon informed Mr. and Mrs. Guitterez that they would be happy to assist him with that.

Mr. Guitterez expressed his concerns about health concerns for the tower, not the height. Again both Mr. Nolland and Mr. Brennan explained the topics discussed when the variances were granted in April including the power of the tower that is added is small in comparison to a baby monitor used in the home.

Motion: To extend the Class B Variance that was Granted previously, in its entirety, the way it was originally phrased for Appeal # 1956, 316 Cornelia Street, extending their new date out to August 29, 2014.

Motion By: Ms. Gilbert, Seconded By Mr. DeMane

All In Favor: 5

(Mr. Nolland, Ms. Gilbert, Mrs. LaBounty, Mr. DeMane, Ms. Latinville)

Mr. Nolland explained that there are is a Class B Variance for the height and a Special Use Permit for a type of use to have in that neighborhood so the use does not exceed the normal standards of that neighborhood, a matter of right.

Motion: Appeal # 1957, to extend the deadline for the Special Use Permit that was Granted, regarding 316 Cornelia Street, exactly as it was originally Granted, to a new expiration date of August 29, 2014.

Motion By: Ms. Gilbert, Seconded By Ms. Latinville

All In Favor: 5

(Mr. Nolland, Ms. Gilbert, Mrs. LaBounty, Mr. DeMane, Ms. Latinville)

Recording Time: 19:00:38

CITY OF PLATTSBURGH, NEW YORK
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APPEAL 1984

APPEAL # 1984, DOUGLAS BROCKWAY, CLASS B VARIANCE, 15 CLUB ROAD,
INCREASE PAVED PARKING AREA WHICH REDUCES OPEN SPACE AND DOES NOT PROVIDE
REQUIRED MANEUVERING AREA

Recording time: 19:00:53

Mr. Douglas Brockway was present for this application.

Mr. Brockway confirmed that this is lot #20. A discussion took place regarding the Special Assessment Parking district for his property. Mr. Brockway has owned the property for approximately 8 years.

The application was reviewed, the question regarding whether the situation was self created, would matter for a use variance. Proposed parking to go from 9 existing to 12 spaces.

Mr. Nolland discussed controlling density and land use is with parking and controlling parking by open space.

Mr. Brockway stated that his intent was not to expand the footprint of the building.

Mr. Nolland explained that they control the density, how many adults can live in dwelling units and the number of parking.

Adding more people would be worth \$489, 000.00 compared to \$389,000.00.

Mr. Brockway stated that College Suites exceeded coverage. Mr. Nolland responded that they did not exceed coverage. Ms. Gilbert stated that Mr. McMahon would be able to provide Mr. Brockway that information from the College Suites Zoning files.

Ms. Gilbert asked if there were previous variances and area variances for this property.

Mr. Brockway stated that spaces 11 and 12 are encompassing already existing areas that he is not asking to pave three completely new paved areas. They are shown on the plan as 9' x 18' spaces, a maneuvering area that is not 26'. Mr. Brockway stated they are only utilizing 7 of the 9 spaces, Mr. Brockway doesn't see the maneuvering as an issue.

Mr. McMahon stated that Mr. William Treacy's (Municipal Lighting Department) application review showed that there should be protection adjacent to the transformers to protect from vehicle damage. Mr. Mike Brodi (Department of Public Works) asked about snow removal. Mr. Kevin Farrington (Engineering and Planning) noted that the spaces 11 and 12 should be moved to the back.

Mr. Brockway volunteered to answer the snow removal question, he said there is an 8 foot cliff with a natural drainage that they push the snow into.

A discussion took place regarding providing less coverage and over paving.

Correspondence was received from Mr. Randall Wisher, 11 Club Road, against the proposed parking, the letter is to be included into the record for the minutes.

Mr. Brockway asked to address the letter. He stated there is an adjacent duplex and that these won't be new apartments, it is existing space within the building and only one would be facing their property and the other would be completely out of their sight. The parking lot does not but up to the existing property line at all. There is an area of about 12 feet that is weeds and dirt that he owns. The transformer box has been there for 5 years. He will build a fence if they want a fence. There is a history of a dog attack/disputes with Mr. Brockway's tenant.

Mr. Brockway said the front of the building won't be changed, he has checked with SHIPPO, the windows in the rear would require alterations. The area adjacent is serviced by a circular driveway that access from both ends, he believes they are owned by Mr. Zukowski and the parking is exceeded on a daily basis, boats and trailers are parked there, no striping. He thinks it would be good for the city to increase the taxes. He doesn't think it will increase the impact of people, it may not impact the number of cars, and several apartments have one vehicle. Have shown transformer barricades, doesn't intend to stack cars, and is asking for consideration in this matter.

There was no history of prior variances available at this time; Ms. Gilbert would like the application to show previous variances in the PARC General Subdivisions, it was a blanket variance.

Mrs. LaBounty asked about the tenants. Mr. Brockway is trying to make apartments in the basement, it has good egress, and he is not changing the upstairs. The four apartments upstairs will remain the same.

Mr. Brockway said they exceed the parking by one space currently.

This application is deficient on open space, providing 42.4% right now, if paving is added it would be about 41%. The turnaround is required to be 26 feet. The new proposed spaces are about 20 feet and is supposed to have a handicapped space. Maneuvering space is 44 feet from the edge of parking to the building for the existing, so Mr. Brockway has what is required. It is 81 feet across the back.

An additional discussion took place regarding the parking and handicap accessibility.

The meeting was opened up to the public, there was no one present for comments. The public comment portion was then closed.

Mrs. LaBounty stated she didn't think what was provided to fit two apartments in the basement, maybe one more space is he over one already.

A postponement was discussed and Mr. Brockway agreed he would like the 60 day postponement.

Mrs. LaBounty stated that was her motion.

Motion: Mrs. LaBounty stated that was her motion, to postpone for up to 60 days.

Motion By: Mrs. LaBounty, Seconded By Ms. Latinville

All In Favor: 5

(Mr. Nolland, Ms. Gilbert, Mrs. LaBounty, Mr. DeMane, Ms. Latinville)

Opposed: 0

Motion Granted to Postpone for up to 60 days

Recording Time: 01:06:30

APPROVAL OF MINUTES

Motion:

To approved the September 16, 2013 meeting minutes.

Ms. Gilbert stated that she confirmed the motion for the minutes on pages 9 and 10.

By Mr. DeMane, seconded by Mrs. LaBounty

(Mr. Nolland, Ms. Gilbert, Mrs. LaBounty, Mr. DeMane, Ms. Latinville)

All In Favor: 5

Opposed: 0

The September 16, 2013 meeting minutes were approved

Educational Hours Reminder

The Board was reminded to check their current hours for training, there is training coming up in December, 2013 through the County Planning office. New SEQR changes will be included.

ADJOURNMENT

Motion to Adjourn:

By Ms. Latinville, seconded by Mr. DeMane

(Mr. Nolland, Ms. Gilbert, Mrs. LaBounty, Mr. DeMane, Ms. Latinville)

All In Favor: 5

Opposed: 0

The Meeting was adjourned at 8:12 p.m.

Respectfully submitted by:

Debra Jarvis
Zoning Board Secretary